

# Proposed Amendment to the Bloomfield Zoning Regulations regarding Agritourism

## Staff Recommended Edits 6.23.2022 & Reformatting

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### Definitions to be added to Article 2, Section 2.2 Defined Terms

**AGRICULTURE:** “agriculture” and “farming” shall include cultivation of the soil, dairying, forestry, raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training and management of livestock, including horses, bees, the production of honey, poultry, fur-bearing animals and wildlife, and the raising or harvesting of oysters, clams, mussels, other molluscan shellfish or fish; the operation, management, conservation, improvement or maintenance of a farm and its buildings, tools and equipment, or salvaging timber or cleared land of brush or other debris left by a storm, as an incident to such farming operations; the production or harvesting of maple syrup or maple sugar, or any agricultural commodity, including lumber, as an incident to ordinary farming operations or the harvesting of mushrooms, the hatching of poultry, or the construction, operation or maintenance of ditches, canals, reservoirs or waterways used exclusively for farming purposes; handling, planting, drying, packing, packaging, processing, freezing, grading, storing or delivering to storage or to market, or to a carrier for transportation to market, or for direct sale any agricultural or horticultural commodity as an incident to ordinary farming operations, or, in the case of fruits and vegetables, as an incident to the preparation of such fruits or vegetables for market or for direct sale. The term “farm” includes farm buildings, and accessory buildings thereto, nurseries, orchards, ranges, greenhouses, hoophouses and other temporary structures or other structures used primarily for the raising and, as an incident to ordinary farming operations, the sale of agricultural or horticultural commodities.

**AGRITOURISM:** Agritourism comprises practices or activities on the farm incident to, ancillary to, or in conjunction with agricultural operations and with the purpose of generating income and/or attracting visitors to the farm to attend events or activities that are accessory uses to or directly involving the agricultural operation(s). Such accessory uses under this definition include, but are not limited to, educational events and tours, recreational activities, entertainment, and farm stay (short stay of less than 10 days where guests engage in farming activities).

**FARM-BASED RECREATIONAL ACTIVITIES:** Recreational offerings that are uniquely suited to occurring on a farm and may also include common outdoor recreational activities that are compatible with the agricultural use of the farm. Examples of farm-based recreational activities that are uniquely suited to occurring on a farm include, but are not limited to: corn, sunflower and other crop mazes; hay, wagon and sleigh rides; animal petting areas; and seasonal pick your own crops including, but not limited to, fruits, vegetables, flowers and-trees.

Examples of farm-based recreational activities that are compatible with the agricultural use of the farm include, but are not limited to: hiking; bird watching; cross-country skiing; educational presentations; group meditation; drum circles; arts and craft fairs; and yoga.

**FARM STORE:** An establishment located on an active farm which sells agricultural products that may be produced on or off site. Examples of a farm store include, but are not limited to, a retail farm store and a farm restaurant.

**LIMITED FARM STORE:** A retail establishment located on an active farm which sells agricultural products, the majority of which are produced on site.

**AGRICULTURAL EVENT:** A single day event connected to the agricultural undertakings to promote agricultural products and practices on the farm where the event is held. The event is an accessory use on a property having a principal agricultural or farming use. Includes fundraising events to directly benefit the farm.

**NON-AGRICULTURAL EVENT:** A single day event with a defined start and end time that is not directly related to agriculture with an expected attendance of over 50 persons. The event is an accessory use on a property having a principal agricultural or farming use.

## Add to Article 8 Special Provisions

### 8.5 AGRITOURISM

#### 8.5.A. Farm Stores, Limited Farm Stores and Agritourism

The following are permitted by right:

1. Limited Farm Store subject to the following:

- (1) The store may be open between the hours of 9:00 AM and 8:00 PM;
- (2) The store shall be confined to an area within a barn or similar structure. Note: If new construction is proposed, a site plan application shall be submitted for Commission approval.
- (3) There shall be no seating provided for the public;
- (4) The sale of alcoholic beverages is prohibited; and
- (5) Activities or events other than those allowed in Section xxxx are prohibited.
- (6) A limited farm store that does not meet the above criteria shall be considered a farm store.

2. Farm-based recreational activities

3. Educational demonstrations and presentations

4. Farm Tours

5. Agricultural Events

- (1) Permit Process and Number of Events. Up to fifteen agricultural events are permitted per calendar year, subject to submission of a single event permit application or an annual permit application to the Zoning Enforcement Officer for review and approval.
- (2) Accessory Structures. Temporary accessory structures such as tents shall not exceed 4800 sq. ft. of floor area. Temporary structures shall not remain up for more than 8 months in a calendar year.
- (3) Music and Entertainment. Music or live entertainment may be permitted in conjunction with an agricultural event subject to the following:
  - (a) The music shall begin no earlier than 10 AM and shall end no later 9:30 PM.
  - (b) Permit Review. When reviewing and issuing approval for an agricultural event with music or live entertainment, the Zoning Enforcement Officer will review the following to mitigate potential negative impacts on surrounding properties:
    - i. frequency
    - ii. time of day
    - iii. use of amplified equipment
    - iv. outdoor lighting
    - v. proposed structures or tents to be used
    - vi. duration of entertainment

If the proposed agricultural event does not comply with the above criteria or if there is a disagreement between town staff and the applicant, the applicant shall be referred to the Commission for a decision. If the Commission determines Special Permit approval is required, the applicant shall comply with the criteria in Section 7.4.

## 6. Special Events

### (1) Events Under Fifty Persons

For events of under fifty persons (including both attendees and staff persons) that include amplified music or sound but that are not otherwise regulated under these regulations, the Zoning Enforcement Officer or the Commission may impose restrictions on such events in accord with the standards set forth in section 8.4.A.5 where necessary and appropriate to mitigate potential negative impacts on surrounding properties.

### (2) Multiple Day and Temporary Permits

Special events or uses for a period of up to seventy-two (72) hours for any one occurrence, not otherwise permitted in these regulations, may be permitted subject to issuance of a zoning permit by the Zoning Enforcement Officer, provided all police, fire and other municipal regulations or requirements are complied with. Examples may include a fair, festival, automobile show, or arts and crafts show and may include temporary retail food vendors. Special events may be permitted up to a maximum of four times per property during each calendar year, with no more than one event permitted per month. If such an event will include multiple, adjacent properties, the limit shall apply to all properties.

The Zoning Enforcement Officer may place stipulations on any such permit which is issued to protect the health, safety and welfare of the neighborhood.

7. Campfires must be contained within a fire pit with prior approval of the Fire Marshal.

## 8.5.B Eligibility

The Zoning Enforcement Officer may grant a permit for the following, subject to the following eligibility criteria.

1. May only be conducted on an active farm site with a minimum of 10 acres.
2. The farming operation must have derived at least \$2,500 in gross sales or be a holder of an active Farmer Tax Exemption Permit issued by the Connecticut Department of Revenue Services related to such farming operation during the previous calendar year. Note: Gross sales may be demonstrated by submitting an IRS Schedule F or Schedule C, Certified Professional Accounting audit or documentation of a federal or state agricultural grant.
3. Activities shall be limited to the areas as shown on an approved site plan, including outdoor and indoor areas of the farm property. If any tents or temporary structures are proposed, these must be shown on the site plan.
4. Parking areas shall be designed to accommodate the projected number of visitors. All parking areas must be shown on an approved site plan. On street parking shall be as specified by the Police Chief.
5. Additional outdoor lighting may be permitted provided evidence is submitted demonstrating such lighting will not result in glare or excessive light trespass on nearby properties.
6. Every application shall contain the name of the owner/operator of the farm and identify a point of contact for every event. The point of contact for each event shall be on site for the designated event and shall be responsible for ensuring the event's full compliance with these regulations and Town regulations generally. The owner/operator of the farm shall be responsible for complying with the terms of the permit and shall be a named party for violations of same.

## 8.5.C. Permit Application Requirements

A layout plan, narrative including the type of products to be sold, activities to be conducted including type and number, hours of operation, duration of any tents to be used on site, and any other information as required by the Zoning Enforcement Officer must be submitted so compliance with all applicable regulations may be determined. Required information shall be submitted at least seven business days before the planned event. The applicant shall comply with the approval issued by the Zoning Enforcement Officer. If there are any changes in the nature of the operation or proposal, the applicant shall submit new information for review and approval by the Zoning Enforcement Officer.

If the Zoning Enforcement Officer determines a proposal exceeds what is permitted by right, the application shall be referred to the Commission. If the Commission determines a Special Permit is required, the applicant shall comply with the criteria in 7.4.

#### 8.5.D Non-Compliance with Zoning Permit

1. Failure to comply with the documents, plans and terms of the proposed plan and issued permit shall be a violation of these Regulations. The Zoning Enforcement Officer shall notify the owner/operator, applicant, and point of contact of the specifics of the non-compliance and shall provide a reasonable time period for compliance therewith. Non-compliance may result in an enforcement order, fines and other legal remedy.
2. Nothing in subsection (1) above limits the Zoning Enforcement Officer or other appropriate Town personnel from taking any action, including but not limited to the issuance of cease and desist orders, generally permitted to them by law or regulation.

## **Add to Article 7 Special Permits**

### **7.4**

#### **7.4.A Purpose**

The purpose of the regulation is to promote agritourism activities and uses in Bloomfield and to preserve farms and farmland, while also protecting the health, safety, and welfare of the citizens and not unduly adversely affecting the enjoyment, usefulness, and value of nearby premises, taking into account the factors and standards articulated below. Agritourism uniquely combines aspects of tourism and agriculture industries and provides opportunities for farms to diversify their incomes with activities and events related to agricultural. Equally, agritourism promotes sustainability to both new and existing farms and provides to the community financial, educational, and social benefits.

#### **7.4.B Eligibility**

The Commission may grant a Special Permit for the following, subject to the following criteria.

1. May only be conducted on an active farm site with a minimum of 10 acres.
2. The farming operation must have derived at least \$2,500 in gross sales or be a holder of an active Farmer Tax Exemption Permit issued by the Connecticut Department of Revenue Services related to such farming operation during the previous calendar year. Note: Gross sales may be demonstrated by submitting an IRS Schedule F or Schedule C, Certified Professional Accounting audit or documentation of a federal or state agricultural grant.
3. Activities shall be limited to the areas as shown on an approved site plan, including outdoor and indoor areas of the farm property. If any tents or temporary structures are proposed, these must be shown on the site plan. If new construction is proposed, the scale and design shall be compatible with the residential/agricultural area.
4. Parking areas shall be designed to accommodate the projected number of visitors. All parking areas must be shown on an approved site plan. On street parking shall be as specified by the Police Chief.
5. Additional outdoor lighting may be permitted provided evidence is submitted demonstrating such lighting will not result in glare or excessive light trespass on nearby properties.
6. Every application shall contain the name of the owner/operator of the farm and identify a point of contact for every event. The point of contact for each event shall be on site for the designated event and shall be responsible for ensuring the event's full compliance with these regulations and Town regulations generally. The owner/operator of the farm shall be responsible for complying with the terms of the permit and shall be a named party for violations of same.

#### **7.4.C**

##### **Types of Permits**

1. Farm Store. A Farm Store is permitted subject to the following:
  - (1) A Farm Store may sell agricultural products, including but not limited to, fruits, vegetables, plants, and similar items, processed foods such as preserves, pickled foods, honey, maple syrup, baked goods, animal products and similar products, and related merchandise. The majority of agricultural products sold in the Farm Store are to be grown or produced on the property where the farm is located, but may be supplemented with products that are grown or produced in Bloomfield or other farms.
  - (2) The Farm Store may provide seating for the public and tables where food and beverages may be consumed.

- (3) Structure. The farm store shall be confined to an area within a barn or similar structure. If new construction is proposed, the scale and design shall be compatible with the residential/agricultural area.
- (4) Music and Entertainment associated with a Farm Store.
  - a. Entertainment may be permitted in conjunction with a farm store provided the entertainment is clearly secondary to the farm store.
  - b. Unless further limited by the Commission, live or recorded music and any other entertainment may not start prior to 12:00 PM and shall cease no later than 9:30 PM.
  - c. The Commission may set conditions on entertainment to mitigate potential negative impacts on surrounding properties. Conditions may include, but are not limited to:
    - i. frequency;
    - ii. time of day;
    - iii. use of amplified equipment;
    - iv. outdoor lighting;
    - v. proposed structures or tents to be used;
    - vi. duration of entertainment.
  - d. Unless entertainment is specifically permitted within the Special Permit, it shall be prohibited.

- (5) Events are subject to 7.4.C.2 and the following:

- a. Permit Process and Number of Events. Up to fifteen agricultural events are permitted per calendar year, subject to submission of a single event permit application or an annual permit application to the Director of Planning and Zoning or the Zoning Enforcement Officer for review and approval.
- b. Accessory Structures. Temporary accessory structures such as tents shall not exceed 4800 sq. ft. of floor area. Temporary structures shall not remain up for more than 8 months in a calendar year.
- c. Music and Entertainment. Music or live entertainment may be permitted in conjunction with an agricultural event subject to the following:

The music shall begin no earlier than 10 AM and shall end no later 9:30 PM.

- d. Permit Review. When reviewing and issuing approval for an agricultural event with music or live entertainment, the Director of Planning and Zoning or the Zoning Enforcement Officer will review the following to mitigate potential negative impacts on surrounding properties.

The Review shall include potential negative impacts on surrounding properties, including but not limited to:

- frequency
- time of day
- use of amplified equipment
- outdoor Lighting
- proposed structures or tents to be used
- duration of entertainment.

If there is a disagreement between town staff and the applicant, the applicant shall be referred to the Commission for a decision.

2. Non-Agricultural Events. Non-Agricultural Events including but not limited to banquets, weddings, fundraisers, and other activities that are not directly related to the farming operation, are permitted by Special Permit. Such events are an accessory use on an active farm and are subject to the following:
  - (1) Permit Process and Number of Events. Outdoor events, including those in temporary structures, shall under no circumstances exceed fifteen per calendar year. When evaluating a request for outdoor events, the Commission may further limit the number of events if it is determined such events are likely to have a negative impact on nearby properties.
  - (2) Indoor Events. There shall be no limit on the number of indoor events unless it is determined the event is likely to have a negative impact on nearby properties, in which case the Commission may place a limit on the number of indoor events allowed.
  - (3) Event Hours: Events may take place between 9:00 AM and 10:00 PM. The Commission may further limit the hours if such events are likely to have a negative impact on nearby properties.
  - (4) Music and Entertainment.
    - a. Live or recorded music or other entertainment may be permitted;
    - b. Unless further limited by the Commission, live or recorded music and any other entertainment may not start prior to 12:00 PM and shall cease no later than 9:30 PM;
    - c. The Commission may set conditions on entertainment to mitigate potential negative impacts on surrounding properties. Conditions may include, but are not limited to:
      - i. frequency
      - ii. time of day
      - iii. use of amplified equipment
      - iv. outdoor lighting
      - v. proposed structures or tents to be used
    - d. Unless entertainment is specifically permitted within the Special Permit, it shall be prohibited.
3. Campfires must be contained within a fire pit with prior approval of the Fire Marshal.

7.4.D Special Permit Considerations. When reviewing the Special Permit application proposal, the Commission shall consider:

1. size and scope of agritourism activities in relation to the size of the farm based on acreage and production
2. size of the farm store
3. exterior lighting
4. number of indoor and outdoor events allowed
5. number of events allowed per week and month
6. provision of entertainment
7. the hours of events
8. restroom accommodations
9. periodic review for approvals granted for non-agricultural events and entertainment to mitigate negative impacts on nearby properties

#### 7.4.E ENFORCEMENT AND PENALTIES

1. Non-Compliance with Special Permit – Failure to comply with the documents, plans, terms, and/or conditions approved by the Commission as a part of the Special Permit shall be a violation of these Regulations. The Zoning Enforcement Officer shall notify the owner/operator, applicant, and point of contact of the specifics of the non-compliance and shall provide a reasonable time period for compliance therewith. Unless there is full compliance within such time period, the Commission may, following a duly advertised public hearing, rescind, revoke, and modify such Special Permit.
2. Nothing in subsection (1) above limits the ability of the Commission or the Zoning Enforcement Officer or other appropriate Town personnel from taking any action, including but not limited to the issuance of cease and desist orders, generally permitted to them by law or regulation.

**Amended/added Sections to add use to each zone, new language in bold underline:**

Residential Zones

**3.1.C Principal Uses and Structures**

Add 2.c. **Agritourism per Section 8.5**

Add 3.t. **Agritourism per Section 7.4**

**3.2.C Principal Uses and Structures**

Add 2.d. **Agritourism per Section 8.5**

Add 3.r. **Agritourism per Section 7.4**

**3.3.C Principal Uses and Structures**

Add 2.c. **Agritourism per Section 8.5**

Add 3.r. **Agritourism per Section 7.4**